

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MAERSK LINE, 07 CIV. 4542 (STEIN)

Plaintiff,
- against -

SUNSARA MARKETING, LLC,
Defendant.
-----X

MEMORANDUM OF LAW

Facts

This action was commenced seeking \$20,193.00 in unpaid ocean freight. Defendant was served on June 11, 2007, and failed to answer.

POINT I

THE COURT MAY ENTER
A DEFAULT JUDGMENT

Under Fed.R.Civ.P. 55(b)(2), the Court may enter a judgment by default, so long as the Court, in its discretion, can ascertain from the facts set forth in the Complaint that a judgment is warranted. Au Bon Pain v. Artext, Inc., 653 F.2d 61, at 65 (2d. Cir. 1981). Plaintiff submits that the affidavit of Dave Johnson, together with the Complaint, satisfies the requirement of sufficient proof of the accuracy of the allegations of the Complaint.

POINT II

INTEREST AT 6% IS APPROPRIATE

"It is firmly established that [a]llowance of pre-judgment interest in admiralty [actions] . . . should be granted in the absence of exceptional circumstances, and that the rate of pre-judgment interest is within the broad discretion of the district court." Mentor Ins. Co. (U.K.) Ltd. v. Brannkasse, 996 F.2d 506, 520 (2d. Cir. 1993) (Internal citations and quotations omitted.) Plaintiff submits that 6% from the dates of the Bills of Lading is proper.


CONCLUSION

Judgment by default, with interest, is appropriate.

Dated: New York, New York
July 9, 2007

THE LAW OFFICES OF
ALBERT J. AVALLONE & ASSOCIATES

By


Albert J. Avallone - AA1679
Attorneys for Plaintiff
MAERSK LINE
551 Fifth Avenue, Suite 1625
New York, NY 10176
(212) 696-1760

CITY OF NEW YORK)
 STATE OF NEW YORK) SS:
 COUNTY OF NEW YORK)

MaryAnn Stewart, being duly sworn, deposes and says that she is a member of the Law Offices of Albert J. Avallone & Associates, attorneys for plaintiff herein.

That on the 9th day of July, 2007, she served the within

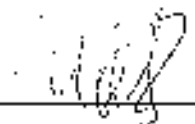
Memorandum of Law in Support of Motion For Entry of Judgment by Default

upon the following:

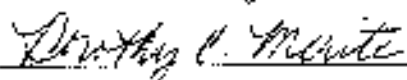
Sunsara Marketing, LLC
 23 Foxhill
 Cortland Manor, NY 10567

by depositing (a) true copy(ies) of the same securely enclosed in (a) postpaid wrapper(s) in a Post Office Box regularly maintained by the United States Government at 551 Fifth Avenue, New York, NY 10176, directed to the above mentioned individual(s) at his (their) respective address(es) above, that (those) being the address(es) within the State designated by him (them) for that purpose upon the preceeding papers in this action or the place where he (they) then kept an office, between such places, there then was and now is a regular communication by mail.

Deponent is over the age of 18 years.



Sworn to before me this
 9th day of July, 2007



DOROTHY C. MERITE
 Notary Public, State of New York
 No. 31-4931887
 Qualified in New York County
 My Commission Expires 1/1/10